

## § 960.259

interim reexamination within a reasonable time after the family request. The PHA must adopt policies prescribing when and under what conditions the family must report a change in family income or composition.

(c) *PHA reexamination policies.* The PHA must adopt admission and occupancy policies concerning conduct of annual and interim reexaminations in accordance with this section, and shall conduct reexaminations in accordance with such policies. The PHA reexamination policies must be in accordance with the PHA plan.

## § 960.259 Family information and verification.

(a) *Family obligation to supply information.* (1) The family must supply any information that the PHA or HUD determines is necessary in administration of the public housing program, including submission of required evidence of citizenship or eligible immigration status (as provided by part 5, subpart E of this title). "Information" includes any requested certification, release or other documentation.

(2) The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or an interim reexamination of family income and composition in accordance with HUD requirements.

(3) For requirements concerning the following, see part 5, subpart B of this title:

(i) Family verification and disclosure of social security numbers;

(ii) Family execution and submission of consent forms for obtaining wage and claim information from State Wage Information Collection Agencies (SWICAs).

(4) Any information supplied by the family must be true and complete.

(b) *Family release and consent.* (1) As a condition of admission to or continued assistance under the program, the PHA shall require the family head, and such other family members as the PHA designates, to execute a consent form (including any release and consent as required under § 5.230 of this title) authorizing any depository or private source of income, or any Federal, State or local agency, to furnish or release to the PHA or HUD such information as

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the PHA or HUD determines to be necessary.

(2) The use or disclosure of information obtained from a family or from another source pursuant to this release and consent shall be limited to purposes directly connected with administration of the program.

(c) *PHA responsibility for reexamination and verification.* (1) The PHA must obtain and document in the family file third party verification of the following factors, or must document in the file why third party verification was not available:

(i) Reported family annual income;

(ii) The value of assets;

(iii) Expenses related to deductions from annual income; and

(iv) Other factors that affect the determination of adjusted income or income-based rent.

## § 960.261 Restriction on eviction of families based on income.

No PHA shall commence eviction proceedings based on the income of the tenant family unless:

(a) It has determined that there is decent, safe, and sanitary housing of suitable size for the family available at a rent not exceeding the tenant rent; or

(b) It is required to do so by local law.

## Subpart D—Preference for Elderly Families and Disabled Families in Mixed Population Projects

SOURCE: 59 FR 17667, Apr. 13, 1994, unless otherwise noted.

### § 960.401 Purpose.

This subpart establishes a preference for elderly families and disabled families for admission to mixed population public housing projects, as defined in § 960.405.

### § 960.403 Applicability.

(a) This subpart applies to all dwelling units in mixed population projects (as defined in § 960.405), or portions of mixed population projects, assisted under the U.S. Housing Act of 1937. These projects formerly were known as elderly projects.

(b) This subpart does not apply to section 23 and section 10(c) leased housing projects or the section 23 Housing Assistance Payments Program where the owners enter into leases directly with the tenants, or to the Section 8 Housing Assistance Payments Program, the Low-Rent Housing Homeownership Opportunities Program (Turnkey III), the Mutual Help Homeownership Opportunities Program, or to Indian Housing Authorities. (For applicability to Indian Housing Authorities, see part 905 of this chapter.) Additionally, this subpart is not applicable to projects designated for elderly families or designated for disabled families in accordance with 24 CFR part 945.

#### § 960.405 Definitions.

*Designated housing.* See definition of “designated housing” in 24 CFR part 945.

*Disabled families.* See definition of “disabled families” in 24 CFR part 945.

*Elderly families.* See definition of “elderly families” in 24 CFR part 945.

*Mixed population project* is a public housing project, or portion of a project, that was reserved for elderly families and disabled families at its inception (and has retained that character). If the project was not so reserved at its inception, the PHA has obtained HUD approval to give preference in tenant selection for all units in the project (or portion of project) to elderly families and disabled families. These projects formerly were known as elderly projects.

EFFECTIVE DATE NOTE: At 65 FR 16729, § 960.405 was removed, effective Apr. 28, 2000.

#### § 960.407 Selection preference for mixed population developments.

(a) The PHA must give preference to elderly families and disabled families equally in determining priority for admission to mixed population developments. The PHA may not establish a limit on the number of elderly families or disabled families who may be accepted for occupancy in a mixed population development.

(b) In selecting elderly families and disabled families to occupy units in mixed population developments, the PHA must first offer units that have special accessibility features for per-

sons with disabilities to families who include persons with disabilities who require the accessibility features of such units (see §§ 8.27 and 100.202 of this title).

[65 FR 16729, Mar. 29, 2000]

EFFECTIVE DATE NOTE: At 65 FR 16729, § 960.407 was revised, effective Apr. 28, 2000. For the convenience of the user, the superseded text is set forth as follows:

#### § 960.407 Selection preference; other preferences; single person occupancy.

(a) A PHA must give preference to elderly families and disabled families equally in determining priority for admission to mixed population projects. A PHA may not establish a limit on the number of elderly families or disabled families who may be accepted for occupancy in a mixed population project.

(b) The PHA must follow its policies and procedures for applying the Federal preferences contained in subpart B of this part when selecting applicants for admission from among elderly families and disabled families.

(c) Elderly families and disabled families who do not qualify for a Federal preference contained in subpart B of this part, and who are given preference for admission under paragraph (a) of this section over non-elderly families and non-disabled families that qualify for such a Federal preference, are not subject to the statutory 10 percent limitation on admission of families without a Federal preference over families with such a Federal preference that may initially receive assistance in any one-year period, as provided in 24 CFR 960.211(b)(2)(ii).

(d) If an elderly or disabled applicant is a single person, as this term is defined in 24 CFR part 945, the elderly single person or the disabled single person shall be given a preference for admission to mixed population projects over single persons who are neither elderly nor disabled.

(e) In offering available units to elderly families and disabled families in mixed population projects, units with accessible features should first be offered to persons with disabilities who require the accessibility features of the unit in accordance with the requirements of 24 CFR 8.27 and 24 CFR 100.202(c)(3).

[59 FR 17667, Apr. 13, 1994]

#### Subpart E—Occupancy by Over-Income Families or Police Officers

SOURCE: 65 FR 16729, Mar. 29, 2000, unless otherwise noted.

EFFECTIVE DATE NOTE: At 65 FR 16729, Mar. 29, 2000, subpart E to part 960 was revised, effective Apr. 28, 2000.